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December 22, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: ET Docket No. 97-214
Comments of Metro Traffic Control, Inc.

Dear Ms. Salas:

On behalf of Metro Traffic Control, Inc., there is transmitted herewith an original and four (4) copies of its "Comments" regarding the allocation of the 455-456 MHz and 459-460 MHz Bands to the Mobile Satellite Services.

Please direct any inquiries concerning this submission to the undersigned counsel.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP

By: Allan G. Moskowitz

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 2 of the	)	ET Docket No. 97-214
Commission's Rules to Allocate the	)	
455-456 MHz and 459-460 MHz Bands	)	
to the Mobile Satellite Services	)	

TO: The Commission

COMMENTS OF METRO TRAFFIC CONTROL, INC.

METRO TRAFFIC CONTROL, INC. ("MTC"), by its attorney, hereby respectfully submits its comments in the above-captioned Notice of Proposed Rule Making ("NPRM") relating to the allocation of 455-456 MHz frequencies to the Mobile-Satellite Service ("MSS"). In support thereof, the following is respectfully shown:

1. MTC is a broadcast network entity, pursuant to Section 74.2 of the Commission's Rules, which provides traffic and road conditions to at least ten radio and television affiliates in over 40 metropolitan markets throughout the United States. Because MTC transmits actualities to its affiliates, it is, for the most part, limited to the use of frequencies listed in Section 74.402(b)(4) and (c) and (d), i.e., frequencies in the 450 MHz and 455 MHz bands.

2. The NPRM proposes to amend Part 2 of the Commission's Rules to allocate the 455-456 MHz and 459-460 MHz Bands to the Mobile Satellite Service on a primary basis for non-voice, non-geostationary mobile satellite services, also known as the Little Leo satellite service, to provide commercial radio location and two-way data messaging services.

3. MTC strongly opposes the Commission's proposal and vehemently disagrees with the Commission's assumptions regarding the 455 MHz broadcast auxiliary band use. First, the Commission notes that while the international allocation for Little Leo operations on the 455-456 MHz band is on a co-primary basis with fixed and mobile services, footnotes in the operating documents for that international allocation state that MSS stations in these bands are not to cause harmful interference to or claim protection from stations of the fixed or mobile services. Consequently, the Commission concludes that, despite Little Leo's primary allocation in these bands, "their operations are effectively secondary to fixed and mobile services." Additionally, Paragraph 12 of the NPRM notes that "since many auxiliary broadcast remote pickup channels in the 455-456 MHz band tend to be used only intermittently and Little Leo transmissions are currently limited to a short duration of only 450 milliseconds in the 148-149.9 MHz band, Little Leo systems may be able to search the spectrum for unused channels and accomplish their communications without hindering incumbent use." Further, the Commission notes that the "signal integrity of broadcast programming material must be maintained and that Little Leo operations will not be permitted to cause harmful interference to such auxiliary broadcast signals."

4. Since MTC began their operation nearly 15 years ago, it has found that broadcast auxiliary bands, specifically 450 MHz and 455 MHz, are becoming increasingly congested to the point where in some markets (and increasingly more markets) no frequencies remain to be allocated to new users. While it was possible in the recent past to "split frequencies" to allow additional operations, even this strategy is becoming increasingly impossible to accomplish. Obviously, this has resulted from the profusion of new FM radio stations since Docket No.

80-90, the birth and growth of low power television service, and additional AM and full-service TV stations, and the concomitant need of those services for new auxiliary broadcast facilities. Considering that in approximately a year auctions will begin on the hundreds of allocations in both radio and television which have been held in abeyance pending the determination of a comparative selection process, even more broadcast stations will begin operation which will, in turn, require their own broadcast auxiliary services. In other words, there is barely enough spectrum to share among the present Part 73 and Part 74 licensees and it will only get worse.

5. Therefore, in light of the foregoing, a proposal to share 455-456 MHz on a co-primary basis or even on a secondary basis with any other service is outrageous. While the Commission has reassured itself that the Little Leo systems are "effectively secondary to fixed and mobile services" because they are not to cause harmful interference to those services, the mere sharing of the frequencies opens the door to interference problems and abuses. Further, there is no practical experience that the Little Leo operations will not cause harmful interference to auxiliary services merely because the footnote says they can't.

6. Contrary to the Commission's supposition that many auxiliary broadcast remote pickup channels tend to be used only intermittently, MTC utilizes its frequencies the majority of the day and through the evening rush hour to keep abreast of traffic problems, traffic road construction, accidents, weather conditions, etc. Since MTC's transmissions are broadcast over its affiliates and are relied upon by its affiliates' listeners, the broadcast must be of audio quality. MTC has grave doubts that Little Leo transmissions, which will be heard as short bursts of static, will not tend to interfere with and deteriorate the present broadcast quality of MTC's transmissions.

7. Finally, Paragraph 15 of the NPRM notes that the frequency sharing studies between NVNG MSS and land mobile users did not specifically focus on 455-456 MHz band. In light of the completely different uses of the band by auxiliary facilities, i.e., predominately voice broadcasts of fairly long duration, versus Little Leo's short bursts of data transmission, it is clear that a sharing study must be undertaken before this proposal can even be contemplated.

8. In conclusion, MTC unconditionally opposes sharing 455-456 MHz band with any other service on even a secondary basis. The frequencies in question are over congested and shall become even more congested in the future. What is needed is an expansion of spectrum for the broadcast auxiliary users and not a proposal to have two widely inconsistent services share spectrum based on inaccurate assumptions and unproven theories.

9. In sum, MTC would be highly skeptical of the viability of this proposal even if there were enough spectrum in the band to share which there is decidedly not.

Respectfully submitted,

METRO TRAFFIC CONTROL, INC.

By: _____
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